



Order Filed on February 23, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

**Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC**

Authorized Agent for Secured Creditor  
130 Clinton Road, Lobby B, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707  
Facsimile: 973-404-8886

Harold Kaplan (HK0226)

In Re:

**Joseph M. Simonini, Jr.,**

**Debtor,**

Case No.: 19-27127-JNP

Chapter: 13

Hearing Date: February 23, 2021

Judge: Jerrold N. Poslusny Jr.

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby  
ORDERED.

**DATED: February 23, 2021**

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

Secured Creditor: NewRez LLC d/b/a Shellpoint Mortgage Servicing

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtors' Counsel: Seymour Wasserstrum, Esq.

Property Involved ("Collateral"): 314 E. Church Street, Blackwood, NJ 08012

Relief sought:

- Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 8 months from July 1, 2020 through February 1, 2021.
- The Debtor is overdue for 4 payments from July 1, 2020 at \$1,239.60 per month.
- The Debtor is overdue for 4 payments from November 1, 2020 at \$1,199.38 per month.

Funds Held In Suspense \$1,234.32.

Total Arrearages Due \$8,521.60.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on March 1, 2021, regular monthly mortgage payments shall continue to be made in the amount of \$1,199.38.
- Beginning on March 15, 2021, monthly cure payments shall be made in the amount of \$1,420.27 for 5 months with a 6<sup>th</sup> and final payment in the amount of \$1,420.25 coming due on or before August 15, 2021.

3. Payments to the Secured Creditor shall be made to the following address(es):

- Regular monthly payment: NewRez LLC dba Shellpoint Mortgage Servicing  
ATTN: Bankruptcy Department  
PO Box 740039  
Cincinnati, Ohio 45274-0039

■ Monthly cure payment: NewRez LLC dba Shellpoint Mortgage Servicing  
ATTN: Bankruptcy Department  
PO Box 740039  
Cincinnati, Ohio 45274-0039

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel may file a Certification of Default with the Court. A copy of the Certification may be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) may cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel may file a Certification of Default with the Court, a copy of the Certification may be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel may file a Certification of Default with the Court a copy of the Certification may be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

■ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

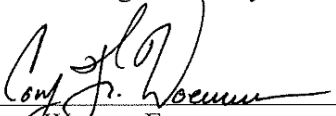
■ Through the Chapter 13 plan.

☐ To the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.

  
Cory Woener Esq.  
*Attorney for Debtor(s)*  
Date: 2/23/2021

/s/ Harold Kaplan  
\_\_\_\_\_  
Harold Kaplan, Esq.  
*Attorney for Secured Creditor*  
Date: 2/23/2021

In re:  
Joseph M. Simonini, Jr.  
Debtor

Case No. 19-27127-JNP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1  
Date Rcvd: Feb 24, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 26, 2021:

Recip ID	Recipient Name and Address
db	+ Joseph M. Simonini, Jr., 314 E. Church Street, Blackwood, NJ 08012-3909

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 26, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 24, 2021 at the address(es) listed below:

Name	Email Address
Aleisha Candace Jennings	on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing ajennings@raslg.com
Denise E. Carlon	on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Harold N. Kaplan	on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing hkaplan@rasnj.com informationathnk@aol.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Kevin Gordon McDonald	on behalf of Creditor Ditech Financial LLC kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com

District/off: 0312-1

User: admin

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Date Rcvd: Feb 24, 2021

Form ID: pdf903

Total Noticed: 1

Seymour Wasserstrum

on behalf of Debtor Joseph M. Simonini Jr. mylawyer7@aol.com, ecf@seymourlaw.net;r47769@notify.bestcase.com

Sindi Mncina

on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9